

REMARKS

Claims 13, 23, 29 and 34 are amended. New claims 36-37 are added. No new matter is added. The specification is amended as requested by the Examiner.

The Examiner rejected claims 13-14, 18, 23-24 and 34 under 35 U.S.C. § 102(e) as being anticipated by published U.S. Patent Application No. 2003/0036389 by Yen ("Yen") (now U.S. Patent No. 6,539,230). Yen discloses a mobile terminal searching for either a new control channel (DCCH) or a new mobile switching center identification (MSCID) based on the distance (L) from its current location ( $x_{\text{current}}$ ,  $y_{\text{current}}$ ) to a previously determined location ( $x_i$ ,  $y_i$ ). paragraphs 0025-0031 (col. 5, lines 23-57).

Claims 13, 23 and 34 are amended herein to specify that the reference position stored by a mobile terminal indicates a central point of the private communications network. Support for this amendment is found in Applicant's specification at p. 12, lines 12-14. Yen does not store the geographic coordinates of a central point of the communications network. See Fig. 4, and 0032-0037 (col. 6, line 24 – col. 7, line 58). All stored locations ( $x_1$ ,  $y_1$ ), ( $x_2$ ,  $y_2$ ), ( $x_3$ ,  $y_3$ ) and ( $x_4$ ,  $y_4$ ) are positions assumed by the wireless terminal; none of the stored locations corresponds to a central point of the respective cells. Similarly, see Fig. 5, and 0040-0046 (col. 8, line 31 – col. 10, line 30), wherein the only locations stored are current and former positions of the wireless terminal; none correspond to a central point of the MSC coverage areas.

As Yen fails to disclose each and every limitation of the claims, claims 13, 23 and 34, and all claims depending therefrom, exhibit patentable novelty over Yen.

New claims 36 and 37 parallel claims 13 and 23, respectively, but recite storing a plurality of points defining the boundary of a communications network, and initiating a search if the mobile terminal's current position is within the boundary. This is merely another way of storing the private system geographic data, as opposed to the central point and predetermined distance (*i.e.*, radius) of amended claims 13 and 23. Support for the new claims is found in Applicant's specification at p. 18, lines 9-11. As no art of record – and in particular Yen – discloses or suggests storing locations within a mobile terminal defining a system boundary, and initiating a search when the mobile terminal is determined, via a position fix, to be within the boundary, Applicant believes the new claims are patentable over the art.

The Examiner rejected claims 29-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,381 to Minnick ("Minnick"). Minnick discloses a private, multi-channel communications and dispatch system for controlling vehicles. Each vehicle includes a vehicle logic unit that communicates with the system. The process of a vehicle logic unit acquiring a control channel in the system is depicted in the flowchart of Figure 9 and described at col. 15, line 61 – col. 16, line 19. The vehicle logic unit first attempts to acquire a channel (from either a primary or secondary communication system) by using the last channel, or randomly selecting a channel from a search table. If no valid channel is acquired, the vehicle logic unit searches for a channel (START CHANNEL SEARCH, block 1065 in Figure 9). "The start channel search enters the search shown in FIG. 10b at step 1130." col. 16, lines 12-14. Step 1130 of Figure 10b is the SEARCH START POINT. Minnick thus discloses initiating a search for a private radiocommunication system channel in response to the failure to

acquire a channel by selecting entries from a search table – not in response to a comparison of the distance of the mobile terminal from a predetermined location.

Claim 29 is amended herein to emphasize the causal relationship between the distance of the mobile terminal from a previously stored location within the private system and initiating a search for a channel associated with the private system. Specifically, claim 29 explicitly recites that the search is initiated in response to the mobile terminal being within a predetermined distance of the known private system location. Minnick fails to disclose or suggest either limitation. Minnick discloses that the vehicle logic unit determines its position (IS POSITION VALID? unnumbered decision block in Figure 10a) and that it calculates the distance to a known tower site. col. 16, lines 34-36. However, this information is used only to reorder the search list results, and to remove sites known not to be reachable based on distance. col. 16, lines 58-60. Figure 10a is also instructive as to the purpose of the position fix. The sole consequence of a position fix is to either ORDER TABLE WITH CURRENT SITE FOLLOWED BY NEXT CLOSEST (if the position fix is successful), or DO NOT USE DISTANCES TO ORDER THE TABLE (if it is not). Hence, the position fix is only used to reorder (or not) a table of possible sites. The search (Figure 10b) proceeds in precisely the same manner regardless of whether a position fix is obtained, and regardless of what the mobile's position is – the only difference is the ordering of a table of possible sites. Minnick does not teach or suggest – and in fact teaches away from – the idea that the distance of the mobile terminal from a point in a private system is compared to a predetermined distance, and that a search is either initiated or not in response to the comparison.

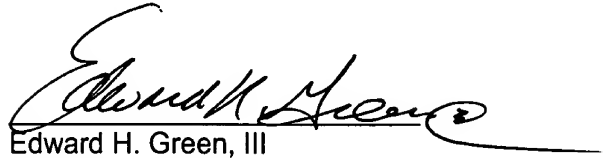
Regarding claims 30-31, contrary to the Examiner's assertion, not only is it not inherent in Minnick that position fixes and distance computations from known locations are performed repeatedly – in fact, Minnick teaches just the opposite. The IS POSITION VALID? decision block of Figure 10a (unnumbered) is not within any flowchart loop, indicating it is performed only once. This comports with the purpose of the position fix as discussed above – it is only to order a table of possible sites. The search for a channel – trying successive channels and sending "Here I Am" messages – is performed repeatedly, as indicated by the flowchart loops of Figure 10b. Claims 30 and 31 recite that determining the position of the mobile terminal is performed repeatedly.

As it fails to teach or suggest every claimed limitation of claim 29, Minnick does not anticipate claim 29 or its dependent claims 30-31.

The Examiner's § 103 combinations as applied to various dependent claims do not cure the respective references' failure to teach or suggest the limitations of the parent claims, as discussed above. Accordingly, all claims being patentable over the art of record, prompt allowance of all pending claims is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Edward H. Green, III", written over a horizontal line.

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